

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

LOUANNA M. PETERSON,)
Plaintiff,) Cause No:
v.)
AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY, S.I.,) **JURY TRIAL DEMANDED**
Defendant.)
Circuit Court Cause No:
20RL-CV00261

DEFENDANT'S NOTICE OF REMOVAL

TO: THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant American Family Mutual Insurance Company, S.I. by and through counsel, pursuant to 28 U.S.C §§ 1441 and 1446, and hereby removes to the United States District Court for the Eastern District of Missouri, Northern Division, the action styled *Louanna M. Peterson v. American Family Mutual Insurance Company, S.I.*, Case No. 20RL-CV0026, currently pending in the Ralls County Circuit Court, Tenth Judicial Circuit, State of Missouri. As grounds for this removal under diversity of citizenship, 28 U.S.C § 1332, Defendant states as follows:

The Removed Case

1. The removed case is a civil action filed on or about October 5, 2020 which is entitled Louanna M. Peterson v. American Family Mutual Insurance Company, S.I., Case No. 20RL-CV0026, currently pending in the Ralls County, Circuit Court, Tenth Judicial Circuit, State of Missouri.

2. Plaintiff's Petition in the removed case consists of allegations regarding personal injury and underinsured motorist benefits.

Papers from Removed Action

3. As required by 28 U.S.C. § 1446(a), and local Rules 2.03, a copy of the Petition is attached as Exhibit A. The remaining documents contained in the state court file, including the docket sheet, for the removed case are being filed contemporaneously herewith.

The Removal is Timely

4. Defendant was served on October 14, 2020. This Notice of Removal is filed within thirty (30) days of service and, therefore, is timely under 28 U.S.C. § 1446(b).

The Venue Requirement is Met

5. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district division corresponding to the place where the state court action was pending.

Diversity of Citizenship Exists Between the Parties

6. This is a civil action that falls under the Court's original jurisdiction under 28 U.S.C. § 1332 (diversity of citizenship) and is one that may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.
7. At the time this suit was filed on October 5, 2020, Plaintiff was and continues to be a resident of Missouri. *See* Exhibit A, Petition, paragraph 1.
8. Defendant American Family Insurance Company, S.I. is a foreign insurance company incorporated under the laws of Wisconsin with a principal place of business in Madison, Wisconsin.

The Amount in Controversy Exceeds \$75,000

9. A district court has original diversity jurisdiction where “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs...” 28 U.S.C. § 1338(a).
10. Plaintiff’s Petition requests damages in the amount of \$100,000, plus attorney’s fees. *See Exhibit A*, Petition, “wherefore clause.”
11. In view of the Petition’s request for a damage award in excess of \$75,000, which if proven, will meet the minimum amount in controversy requirement.

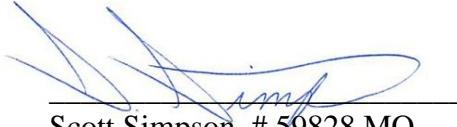
Removal is Proper

12. The state court action may be removed to this Court by Defendant in accordance with the provisions of 28 U.S.C § 1441(a) and (b) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Eastern District of Missouri; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

Filing of Removal Papers

13. Pursuant to 28 U.S.C § 1446(d), written notice of the removal of this action has been provided to Plaintiff’s counsel and a Notice to the Clerk of the Ralls County Circuit Court, Tenth Judicial Circuit, State of Missouri.

WHEREFORE, Defendant, American Family Mutual Insurance Company, S.I. prays that the action styled *Louanna M. Peterson v. American Family Mutual Insurance Company, S.I.*, Case No. 20RL-CV0026, currently pending in the Ralls County, Circuit Court, Tenth Judicial Circuit, State of Missouri, be removed to this Honorable Court that this Court take jurisdiction of this action for trial and determination.



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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 2020, this document was electronically filed with the Clerk of Court using the electronic filing system, which will send notification of such filing to all parties/attorneys of record, and a copy was emailed and mailed to: Mark Wasinger, Attorney for Plaintiff, at the following address:

WASINGER PARHAM, L.C.
Mark Wasinger, Attorney at Law
P.O. Box 962
Hannibal, Missouri 63401